

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DION ERIC SAVAGE, SR.,

Defendant.

CRIM. CASE NO: 95-50061

HONORABLE BERNARD A. FRIEDMAN
SENIOR U.S. DISTRICT JUDGE

FILED
NOV - 4 2019

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DETROIT

SUPPLEMENTAL MOTION TO THE FIRST STEP ACT
WITH A PERTINENT AND SIGNIFICANT AUTHORITY

NOW COMES Dion Savage, proceeding Pro Se in the above captioned-matter. Mr. Savage invokes the legal doctrine as prescribed under Franklin v. Rose, 765 F.2d 82, 84-85 (6th Cir. 1985), in the instant proceeding.

Mr. Savage respectfully supplements his 1SA motion with a recent case from the Court of Appeals for the Fourth Circuit, which undoubtedly proves that Section 2 and 3 of the 1SA of 2018 is applicable to 21 U.S.C. §§ 848(b)/841(b)(1)(B)(iii). See U.S. v. Maupin, 2019 U.S. App. 9-10 n. 2 (4th Cir. Sept. 9, 2019):

Thus, the court must consider whether the statutory penalties associated with the defendants violation of a federal criminal statute would have been different had Sections 2 and 3 of the Fair Sentencing Act been in effect. A defendant therefore may be eligible even of he was [sentenced] under a statute other than those directly amended by Sections 2 and 3 of the Fair Sentencing Act.

For example, in the instant case Judge Gadola imposed a sentence for a "covered offense" under § 848(b) which relies

solely on § 841(b)(1)(B)(iii) during my October 21, 1997 sentencing hearing, and the 1.5 kilograms that Judge Gadola, ^{1/}not the jury in violation of my Sixth Amendment Right as articulated in Alleyne, 133 S.Ct. 2155, 2161-61; Stone, 2019 WL 2475750, *2 (N.D. Ohio 2019); U.S. v. Terrell, 2019 U.S. Dist, 5-6 n. 2 (E.D. Tenn. July 29, 2019), attributed to Mr. Savage no longer triggers a MM life sentence under § 848(b). In order to trigger a MM life sentence under § 848(b) in light of Section 2 (§ 841(b)(1)(B)(iii) now requires 8.4 kilograms of crack cocaine. 300 times 28 grams of crack equals 8400 grams), it requires 8.4 kilograms of crack cocaine.

The holding in Maupin, supra, clearly undermines the government's argument. See [docket entry 1012, at pg, 4,5, 9,19].

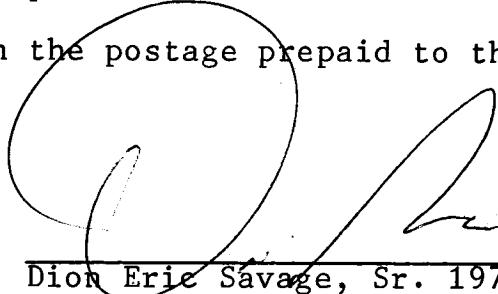
WHEREFORE, Mr. Savage respectfully requests the Court to reduce my MM life sentence to a term of 240-months ("time served") for the offense for which the Grand Jury returned the indictment and the offense (§ 848(a)) that the Petit Jury returned the guilty verdict on. Your Honor, my son DeAndre A.L.P. Savage has been selected to box in the Olympic Trials in December of 2019 as a Heavy Weight for the 2020 Olympics and I would like to be there to support him in this grand accomplishment. I pray that the Court find it within your heart to release me before Thanksgiving so that I may enjoy it with my family, a family that really needs me, namely my wife, children, grandchildren and mother and father, who are now 78 & 80 years old respectively.

^{1/} Section 404(b), reads in pertinent part: A court that imposed a sentence for a covered offense may, on motion of the defendant, ... impose a reduced sentence as if section 2 and 3 of the Fair Sentencing Act of 2010 were in effect at the time the covered offense was committed. Id. Pierre, 2019 U.S. Dist. 9 (D.R.I. 2019).

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Supplemental Motion has been placed in U.S. First Class Mail, this day of October 29, 2019, with the postage prepaid to the party below:

Benjamin C. Coats, AUSA
211 W. Fort Street
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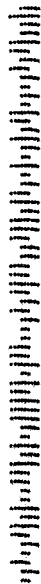
29 OCT 2019 PM 2 L

[Handwritten: 10/29/19]

⇌ 19734-039 ⇌

US District Court
Hon. Bernard A. Friedman
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Detroit, MI 48226
United States

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